



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/078,933	05/14/98	BLANDY	AT9-98-071

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EXAMINER
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DAS, C

ART UNIT	PAPER NUMBER
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2762

DATE MAILED:

10/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/078,933**

Applicant(s)

**Blandy**

Examiner

**Chameli Das**

Group Art Unit  
**2762**



☒ Responsive to communication(s) filed on May 14, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-32 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2762

1. This action is in response to the amendment filed on 7/14/00.
2. Claims 1, 4 and 17 have been amended.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim rejected under 35 U.S.C. 102(a) as being anticipated by Kolawa et al, US Patent No. 5,784,553.

As per claim 1, 4 and 17, Kolawa et al teach the path is one of the path is shown in column 6 line 39-42 ("Each program is broken down into a series of code blocks comprising one or more program statements occurring along a single path of execution"), plurality of paths is shown in column 2 line 42-44 ("every branch at least once and optionally for generating as many paths as desired in the total path coverage set"), for the rest of the limitations see the rejection of the previous office action.

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*Response to Arguments*

5. Applicant's arguments filed on 7/14/00 have been fully considered but they are not persuasive.

The applicant has argued:

- (A) Kolawa et al do not teach the identifying a path in the routine being executed.
  - (B) Kolawa does not provide any teaching or suggestion of translating the instructions from one type to another for a path being executed.
  - (C) Kowala does not teach storing the compiled instructions in an execution order.
  - (D) Kowala does not teach the uncompiled byte codes.
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- (A) Kowala teaches identifying a path in the routine being executed is shown in column 24 line 32 ("The TGS Driver Program executes the program for the path that corresponds to the input initially chosen and, for all of the instructions found in that path"), choosing the path inherently including identifying a path as claimed.
  - (B) Kowala teaches translating the instructions from one type to another for a path being executed is shown in column 28 line 40-44 (" the step of transforming further comprising the steps of: selecting one of the program statements in the JAVA bytecodes; symbolically executing the selected program statement"), and column 3 line 34-42, transforming the Java source code to byte code inherently including translating the instruction from one type to another type as claimed.

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(C) Kowala teaches storing the compiled instructions in an execution order is shown in column 3 line 54-57 (“ The method includes the steps of reading the JAVA bytecodes for the module; **determining a sequence of JAVA methods to be called in the module** and arguments to be passed to the JAVA methods; performing symbolic interpretation of the **sequence of JAVA methods of the JAVA bytecodes** by calculating symbolic expressions for the JAVA methods”), **sequence of JAVA methods of the JAVA bytecodes** inherently including compiled instruction is an execution order.

(D) Kowala teaches unexecuted paths remain untranslated is shown in column 5 line 53-55 (“The original source code 11 comprises all types of files used to express an uncompiled, that is, non object code”), uncompiled, that is, non object code inherently including unexecuted path remain untranslated as claimed.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

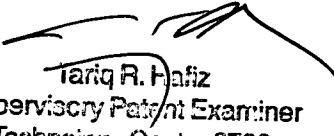
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-306-3014. The examiner can normally be reached on Monday-Friday from 8:00 A.M to 4:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tariq Hafiz can be reached at 703-305-9643. The fax number for this group is 703-308-1396. An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

CDAS

9/29/00

  
Tariq R. Hafiz  
Supervisory Patent Examiner  
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